THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9862 of 2007

Dated: 01.05.2007

Between:

C. Subharama, W/o P.D.S. Paul Kumar,
Aged 45 years, HGA, S.R. No. 556051,
Life Insurance Corporation of India,
C.B.III (710), Visakhapatnam, Visakhapatnam
District.

..... PETITIONER

AND

The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office, Jeevan Prakash Road,
Visakhapatnam and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9862 of 2007

Order:

The present writ petition is filed questioning the impugned order dated 30.09.2002 issued by the 1st respondent-Senior Divisional Manager, imposing penalty of reduction in basic pay by two stages and recovery of Rs.918.22 ps., in terms of Regulation 39(1)(d) and (c) of the L.I.C. of India (Staff) Regulations, 1960, and proceedings dated 17.03.2003 of the 2nd respondent-Zonal Manager and proceedings dated 26.02.2004 of the 3rd respondent-Chairman, rejecting the appeal and memorial filed by the petitioner.

The petitioner, who is working as HGA with the respondents-Corporation, was issued with a charge sheet dated 18.12.1997 alleging certain irregularities. After conducting a regular enquiry and considering the explanation submitted by the petitioner, the 1st respondent-Senior Divisional Manager, vide order dated 30.09.2002, imposed penalty of reduction in basic pay by two stages and recovery of Rs.918.22 ps., in terms of Regulation 39(1)(d) and (c) of the L.I.C. of India (Staff) Regulations, 1960. Aggrieved by the said orders, the petitioner preferred an appeal and memorial before the 2nd respondent-Zonal Manager and the 3rd respondent-Chairman, and the same were rejected by orders, dated 17.03.2003 and 26.02.2004 respectively. Hence, the present writ petition.

Heard the learned counsel for the petitioner and perused the orders passed by the respondents authorities.

In the present writ petition the petitioner did not challenge the

enquiry proceedings, and the only question that remains to be answered is whether the proved misconduct is disproportionate to the punishment imposed. The petitioner was charge sheeted on two counts, namely (1) for having made excess payment, vide Voucher Nos.635 and 355, in respect of Master Policy No.62333 of Group Gratuity Cash Accumulation Scheme of M/s Sarvaraya Textiles, Kakinada, on transfer from Rajahmundry to Visakhapatnam P & GS Unit, and thereby causing financial loss to a tune of Rs.50,454/- to the Corporation, and (2) for having made excess payment of Rs.17,155/- by Vourcher No.1138, dated 23.03.1993, towards maturity benefit to the employees of M/s. Sarvaraya Textiles under Cash Accumulation Scheme, without verifying the fund position, without maintaining sub-ledgers, without noting the payments therein and without affixing the endorsement on the vouchers, and that having not satisfied with the explanation offered by the petitioner to the show cause notice issued by the

1st respondent, a regular enquiry was ordered, wherein the first charge leveled against the petitioner was not proved, while the second charge was partly proved holding that the petitioner is liable for not affixing the endorsement on voucher No.1138, which was prepared after 11.01.1993 i.e., the date of receipt of the Central Office Circular No.520, dated 17.12.1992 by Visakhapatnam Unit, with regard to availability of the fund balance to enable the passing authority to know the fund position, and she cannot absolve herself of her responsibility in following the procedure prescribed therein. Based on the report of the enquiry officer, a show cause notice was issued to the petitioner and after considering her explanation, the 1st respondent, after taking a lenient view, imposed penalty of reduction in basic pay by two stages and recovery of Rs.918.22 ps., from the petitioner, which was also confirmed by the appellate authorities, and no exception can be taken thereto, more so having regard to the judgment of the apex Court in ***Regional Manager, Rajasthan SRTC v. Sohan Lal***[1], wherein it was held that it is not

within the normal jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

There is no merit in the writ petition and the same is accordingly dismissed. No costs.

_____

N.V. RAMANA, J.

Date: 01.05.2007
Nsr

---

[1] (2004) 8 SCC 218